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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/584,033 | 05/01/2007 | Jerry L. Holden | 60158-286 PUS1 | 6905 |
| 26/096 7590 03/07/2011 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009 | | | | |
| EXAMINER YUSUF, MOHAMMAD I | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3725 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/07/2011 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,033

Applicant(s)

HOLDEN, JERRY L.

Examiner

MOHAMMAD YUSUF

Art Unit

3725

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/30/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on 10 December 2010, PROSECUTION IS HEREBY REOPENED. Applicant's argument with regards with claim 21 is persuasive. Claims 1-2, 5-14 and 20-21 have been examined and are pending. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Dana Ross/

Supervisory Patent Examiner, Art Unit 3725

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-8, 10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Valleins (US 3,494,170).

In regard to **claims 1, 6-8 and 20**, Valleins discloses a method of forming a tube comprising the steps of:

positioning the tube in a first position [figures 1-2];

forming an indentation on the tube with a mold [figures 3-4];

moving the tube to a second position relative to the mold [column 3 lines 27-32]; and

releasing the mold from the tube [figures 5-6], where in the step of moving occurs after the step of releasing [column 3 lines 27-3].

In regard to **claim 2**, Valleins discloses repeating the step of forming [column 3 lines 27-3]. In regard to **claim 10**, Valleins discloses circular cross-sectioned end portion [fig. 7, top end].

3. Claims 1-2, 5-14 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US 4,715,436; IDS).

In regard to **claim 21**, Takahashi discloses positioning a tube [1, fig. 1a] in a mold [teeth 4] to crimp a plurality of indentations [3], releasing the mold [the tube is

released from the mold 4 because when after crimping the mold or tooth 4 rotates away by roller 2 from the freshly crimped indentation 3], and tube is axially and rotatably moved for a new crimping step. Each indentation [3] is at a new position. It is broadly claimed that the tube is rotated between 5-10 degrees, without any information of relative to what the rotation is to be considered regarding the 5-10 degrees. Takahashi teaches that tube is rotated between 5-10 degrees relative to at least one part the mold holder between each crimping of indentations 3.

In regard to **claims 1-2, 5-14 and 20**, Takahashi discloses positioning a tube [1, fig. 1a] in a mold [teeth 4] to crimp a plurality of indentations [3], releasing the mold [the tube is released from the mold 4 because when after crimping the mold or tooth 4 rotates away by roller 2 from the freshly crimped indentation 3], and tube is axially and rotatably moved for a new crimping step. Each indentation [3] is at a new position. There is a roller 2 that engages the tube via mold teeth [4]. Takahashi teaches that tube is rotated between 5-10 degrees relative to at least one part the mold holder between each crimping of indentations 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD YUSUF whose telephone number is (571) 270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MOHAMMAD YUSUF/
Examiner, Art Unit 3725